

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**PROPOSED AGENDA OF MATTERS SCHEDULED
FOR OMNIBUS HEARING ON JUNE 12, 2019 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on June 12, 2019 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately one (1) hour.

I. DIAL-IN INFORMATION

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-800-920-7487; passcode 87599521#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette_bewley@insb.uscourts.gov or 317-229-3862).

II. MATTERS SCHEDULED TO BE HEARD AT HEARING

Lead Bankruptcy Case (Case No. 16-07207)

1. *Notice of Invoice for Proskauer Rose LLP’s Fees and Expenses for the Period March 1, 2019 through March 31, 2019 [Doc 3400]*, filed by Proskauer Rose LLP.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- **Status:** No objections filed by the May 23, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 2. *Notice of Invoice for BGBC Partners, LLP's Fees and Expenses for the Period of March 1, 2019 through March 31, 2019* [**Doc 3401**], filed by BGBC Partners, LLP.
 - **Status:** No objections filed by the May 23, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 3. *Notice of Invoice for BGBC Partners, LLP's Fees and Expenses for the Period of April 1, 2019 through April 30, 2019* [**Doc 3402**], filed by BGBC Partners, LLP.
 - **Status:** No objections filed by the May 23, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 4. *Notice of Invoice for McKool Smith, P.C. Fees and Expenses for the Period of April 1, 2019 through April 30, 2019 with Respect to the Peaks AP* [**Doc 3413**], filed by McKool Smith, P.C.
 - **Status:** No objections filed by the May 29, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 5. *Trustee's Objection to Claim No. 1948 Filed in Case No. 16-07207 by Relator Debra Leveski and Notice of Response Deadline* [**Doc 3385**], filed by the Trustee.
 - **Status:** The parties have informally resolved this matter. Such agreed upon resolution has been documented in a proposed order that will be submitted to the Court. Going forward at the Hearing.
- 6. *Final Fee Application of Rossman Saxe, P.C. for Reimbursement of Expenses for Services Rendered as Counsel for the Trustee for the Period February 2, 2018 through May 8, 2019* [**Doc 3397**], filed by Rossman Saxe, P.C.
 - **Status:** No objections filed by the June 5, 2019 objection deadline. Going forward at the Hearing.

7. *Trustee's 16th Omnibus Motion to Compromise and Settle Avoidance Claims in the Gross Amount of \$50,000.01 or More [Doc 3405]*, filed by the Trustee.
 - **Status:** No objections filed by the June 5, 2019 objection deadline. Going forward at the Hearing.
8. *Trustee's Motion to Compromise and Settle Adversary Proceeding No. 17-50101 [Doc 3391]*, filed by the Trustee.
 - *Objection [Doc 3426]*, filed by Patrick Blair.
 - *Objection to The Trustee's Motion to Compromise and Settle Adversary Proceeding No. 17-50101 [Doc 3435]*, filed by Dan C. Boss.
 - *Michael Gregory Serra First Amended Objection to the Settlement [Doc 3438]*, filed by Michael Gregory Serra.
 - *Creditor's Notice of Objection to Compromise and Settle Adversary Proceeding No. 17-50101 [Doc 3440]*, filed by Gertrude C. Nelson.
 - *Objection [Doc 3444]*, filed by Phil Bystry.
 - **Status:** No other objections filed by or after the June 5, 2019 objection deadline. Going forward at the Hearing.
9. Continued hearing on *Motion to Confirm Absence of Stay and for Reconsideration [Doc 356]*, filed by the Commonwealth of Massachusetts and the State of New Mexico.
 - *Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration [Doc 504]*, filed by the Trustee.
 - *Response to Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration [Doc 543]*, filed by the Commonwealth of Massachusetts and the State of New Mexico.
 - **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to September 30, 2019. The Trustee will request on the record that this matter be continued to the omnibus hearing on September 11, 2019 at 1:30 p.m. If granted, not going forward at the Hearing.

Caruso v. Consumer Financial Protection Bureau, et al. (AP No. 16-50318)

1. Continued final hearing on the *Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 3]*, filed by the Trustee.
 - *Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 19]*, filed by the Attorney General for the Commonwealth of Massachusetts and the State of New Mexico.
 - *Consumer Financial Protection Bureau's Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 21]*, filed by the Consumer Financial Protection Bureau.
 - *Opposition of Securities and Exchange Commission to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 22]*, filed by the United States Securities and Exchange Commission.
 - *Trustee's Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 23]*, filed by the Trustee.
 - *Consumer Financial Protection Bureau's Supplemental Objection to Trustee's Motion to Stay [Doc 76]*, filed by the Consumer Financial Protection Bureau.
 - *Supplemental Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 84]*, filed by the Attorney General for the Commonwealth of Massachusetts.
 - *Trustee's Supplement to Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 87]* filed by the Trustee.
 - *Agreed Entry Resolving Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors with Respect to Consumer Financial Protection Bureau [Doc 98]*, filed by the Trustee and the Consumer Financial Protection Bureau.
 - **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual

basis to September 30, 2019. The Trustee will request on the record that this matter be continued to the omnibus hearing on September 11, 2019 at 1:30 p.m. If granted, not going forward at the Hearing.

III. NOTICE

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing, with the exception of Patrick Blair, Dan C. Boss, Michael Gregory Serra, Gertrude C. Nelson and Phil Bystry.²

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

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² Counsel for the Trustee provided notice of the Hearing and the dial-in information to the following: (i) Patrick Blair via letter dated May 24, 2019; (ii) Michael Gregory Serra via letter dated May 28, 2019; (iii) Dan C. Boss via letter dated June 4, 2019; (iv) Gertrude C. Nelson via letter dated June 7, 2019 sent overnight delivery; and (v) Phil Bystry via voicemail on June 11, 2019.

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2019, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on June 12, 2019 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on June 11, 2019, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on June 12, 2019 at 1:30 p.m.* was emailed to the following:

Arlington ISD/Richardson ISD: Eboney Cobb at ecobb@pbfc.com
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/s/ Meredith R. Theisen
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